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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,143	08/10/2001	Anton Leherbauer	218.1019	6464

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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/928,143	<b>Applicant(s)</b> LEHERBAUER, ANTON	
	<b>Examiner</b> Todd Ingberg	<b>Art Unit</b> 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 1 – 33 have been examined.

### *Oath/Declaration*

1. It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. Applicant has elected to select portions of 37 CFR 1.56. The United States Patent Office does not offer this as an option.

### *Drawings*

2. The drawings were received on August 10, 2002. These drawings are accepted.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 – 32 are rejected under 35 U.S.C § 101. The clear explanation is that the claims fail the concrete and tangible tests. The following correction is suggested.

#### Claim 1

A method **executing on a computer readable medium** for integrating a version control tool into an integrated development environment, the method comprising: receiving a version control command; creating an object using the integrated development environment, the object including command information corresponding to the version control command; accessing the object using a version control adapter; and communicating the command information from the version control adapter to the version control tool.

#### Claim 17

A software system **executing on a computer readable medium** comprising: an object including command information corresponding to a version control command; an integrated development environment including a configuration management service configured to create the object; and a version control adapter capable of accessing the object and communicating the command information to a version control tool.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visual Source Safe (VSS) this manual documenting version 5.0 of a released commercial product was published in 1997 in view of the commercial product **ClearCase** by Atria from 1994.

**Claim 1**

VSS teaches a method for integrating a version control tool into an integrated development environment ( VSS, Chapter 13, Integration, pages 175 – 176) , the method comprising: receiving a version control command (VSS, Chapter 14, Command Line Tools, pages 185 to 187) accessing the object using a version control adapter (**version control adapter** is interpreted to be the Application Program Interface (API) between the VSS product and the IDE products such as Visual C++, Visual Basic etc. VSS, pages 176 and 180 the ability for VSS to communicate with the different IDEs is made possible by an API – the reference teaches this limitation of the presence of an API to enable this functionality); and communicating the command information from the version control adapter to the version control tool (VSS, pages 188 – 193 Using the Command Line).

VSS discloses the use of storing of versions in a data store the data store used is a file. **ClearCase** stores versions in a data store. The data store **ClearCase** uses is an object. The following limitations are taught by **ClearCase** ; creating an object using the integrated development environment (**ClearCase**, page 4 – 5, VOBs described), the object including command information corresponding to the version control command(**ClearCase**, page 13 Check In and Check Out are commands );

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of VSS and **ClearCase** to modify the integration of version control of VSS to store versions using the Version Object Base (VOB), because “VOBs can be distributed throughout a local area network” (**ClearCase**, last line page 2 to top of page 3).

**Claim 2**

The method as recited in claim 1 further comprising receiving an indication of a file associated with the version control command before the receiving of the version control command and wherein the creating of the object is performed so as to further include file information corresponding to the file. ( **ClearCase** , page 9, Environment management, setup the project prior to commands)

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**Claim 3**

The method as recited in claim 1 further comprising receiving an indication of a file associated with the version control command after the receiving of the version control command and herein the creating of the object is performed so as to further include file information corresponding to the file. ( **ClearCase** , page 70, Check In is a command for VOB).

**Claim 4**

The method as recited in claim 3 wherein the file information includes a file name and a path name of the file. ( **ClearCase** , page 8, Figure 5)

**Claim 5**

The method as recited in claim 4 wherein the file information further includes a working environment and a configuration specification of the file. ( **ClearCase** , pages 14 – 15, Configuration records).

**Claim 6**

The method as recited in claim 1 further comprising implementing the version control command ( **ClearCase** , page 33, Check In and Out are commands)using the version control tool. ( **ClearCase** , page 25, version control).

**Claim 7**

The method as recited in claim 1 wherein the version control adapter is written in a Python programming language.

Examiner's Remark's – Why the programming language the adapter was written should be given patentable weight is in question. Since, the runtime executable is binary and the linking of binary code regardless of the language is grossly old and well known). The programming language make no distinction.

**Claim 8**

The method as recited in claim 1 wherein the integrated development environment is written in a C++ programming language. (VSS page 10 teaches the integration of the tool with C++).

**Claim 9**

The method as recited in claim 1 further comprising providing a dialogue using the version control adapter so as to obtain a user input from a user. ( VSS, as per claim 1 and the commands as per page 186 and **ClearCase**, page 70 Scenarios).

**Claim 10**

The method as recited in claim 9 wherein the communicating the information from the version control adapter to the version control tool is performed so as to communicate the user input from the version control adapter to the version control tool. As per the rejection of claim 9.

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**Claim 14**

The method as recited in claim 1 further comprising communicating information from the version control tool to the integrated development environment using the version control adapter. As per the rejection of claim 1.

**Claim 15**

The method as recited in claim 1 wherein the accessing of the object is performed using a wrapper object. ( **ClearCase** , page 65, the filter is a form of a wrapper).

**Claim 16**

The method as recited in claim 1 wherein the version control adapter resides outside of the integrated development environment. As per claim 1 the **ClearCase** ability to be distributed supports the external existence of the version control adapter.

**Claim 17**

VSS teaches a software system comprising: an integrated development environment ( VSS, Chapter 13, Integration, pages 175 – 176) including a configuration management service configured to create the object (**ClearCase**, page 4 – 5, VOBs described); and a version control adapter capable of accessing the object and communicating the command information to a version control tool(**ClearCase**, page 13 Check In and Check Out are commands ).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of VSS and **ClearCase** to modify the integration of version control of VSS to store versions using the Version Object Base (VOB), because “VOBs can be distributed throughout a local area network” (**ClearCase**, last line page 2 to top of page 3).

**Claim 18**

The software system as recited in claim 17 wherein both the integrated development system and the version control adapter are written using an object oriented programming language. ( **ClearCase** , page 4 – 5, VOBs).

**Claim 19**

The software system as recited in claim 18 wherein the integrated development environment is written in a C++ programming language and the version control adapter is written in a Python programming language. As per the rejections of claims 6 and 7.

**Claim 20**

The software system as recited in claim 17 wherein the object further includes file information corresponding to a file selected by a user. ( **ClearCase** , page, pages 33 – 43).

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**Claim 21**

The software system as recited in claim 20 wherein the file information includes a file name and a path name of the file. As per the rejection of claim 4.

**Claim 22**

The software system as recited in claim 21 wherein the file information further includes a working environment and a configuration specification of the file. As per the rejection of claim 5.

**Claim 23**

The software system as recited in claim 17 wherein the version control adapter is written in a Python programming language. As per the rejection of claim 7.

**Claim 24**

The software system as recited in claim 17 wherein the integrated development environment is written in a C++ programming language. As per the rejection of claim 7.

**Claim 25**

The software system as recited in claim 17 wherein the version control adapter is capable of being used to provide a dialogue so as to obtain a user input from a user. As per the rejection of claim 9.

**Claim 26**

The software system as recited in claim 25 wherein the version control adapter is capable of communicating the user input to the version control tool. As per the rejection of claim 9.

**Claim 30**

The software system as recited in claim 17 wherein the version control adapter is capable of communicating information from the version control tool to the integrated development environment. As per the rejection of claim 16.

**Claim 31**

The software system as recited in claim 17 further comprising a wrapper object adapted for use by the version control tool for accessing the object. As per the rejection for claim 15.

**Claim 32**

The software system as recited in claim 17 wherein the version control adapter resides outside of the integrated development environment. As per the rejection for claim 16.

**Claim 33**

VSS teaches a computer readable medium having stored thereon computer executable process steps operative to perform a method for integrating a version control tool into an integrated development environment (VSS, Chapter 13, Integration, pages 175 – 176), the process steps

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comprising: receiving a version control command (**VSS**, Chapter 14, Command Line Tools, pages 185 to 187) ; accessing the object (data store) using a version control adapter (**version control adapter** is interpreted to be the Application Program Interface (API) between the **VSS** product and the IDE products such as Visual C++, Visual Basic etc. **VSS**, pages 176 and 180 the ability for **VSS** to communicate with the different IDEs is made possible by an API – the reference teaches this limitation of the presence of an API to enable this functionality); and communicating the command information from the version control adapter to the version control tool(**VSS**, pages 188 – 193 Using the Command Line).

**VSS** discloses the use of storing of versions in a data store the data store used is a file. **ClearCase** stores versions in a data store. The data store **ClearCase** uses is an object. The following limitations are taught by **ClearCase** ; creating an object using the integrated development environment (**ClearCase**, page 4 – 5, VOBs described), ; creating an object using the integrated development environment, the object including command information corresponding to the version control command (**ClearCase**, page 13 Check In and Check Out are commands)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of **VSS** and **ClearCase** to modify the integration of version control of **VSS** to store versions using the Version Object Base (VOB), because “VOBs can be distributed throughout a local area network” (**ClearCase**, last line page 2 to top of page 3).

### *Allowable Subject Matter*

7. Claims 11- 13 and 27 - 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Both references Visual Source Safe and ClearCase are silent as to the processing of error messages. Examiner recollection of Visual Source Safe 5.0 producing error messages to the Visual Source Safe environment. However, the Examiner's recollection is over six one half years old and not clear enough to support an affidavit. In re Zurko forbids Examiner from the use of common sense.

#### Claim 11

The method as recited in claim 6 further comprising receiving errors generated by the version control tool while implementing the version control command.

#### Claim 12



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The method as recited in claim 11 further comprising generating an error dialogue using the version control adapter so as to obtain an error response input.

**Claim 13**

The method as recited in claim 12 further comprising communicating the error response input directly to the version control tool using the version control adapter and without using the integrated development environment.

**Claim 27**

The software system as recited in claim 17 wherein the version control adapter is configured to receive an error from the version control tool.

**Claim 28**

The software system as recited in claim 27 wherein the version control adapter is capable of generating an error dialogue in response to the error to obtain an error response input.

**Claim 29**

The software system as recited in claim 28 wherein the version control adapter is capable of communicating the error response input directly to the version control tool without using the integrated development environment.

### ***Correspondence Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775. The examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
6:15 – 1:30	6:15- 3:45	6:15 – 4:45	6:15-3:45	6:15-130

This schedule began December 1, 2003 and is subject to change.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4, 2003 the **FAX number** changed for the organization where this application or proceeding is assigned is **(703) 872-9306**.

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Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

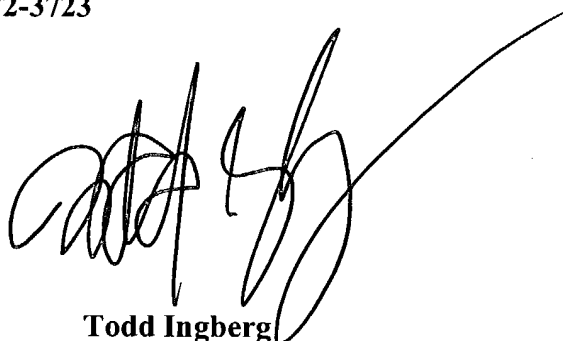
Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

***Special Notice***

9. Please, Note the Examiner's telephone number will change in October when the Art Unit moves to the new location. The Examiner's new telephone number will be as follows:

**(571) 272-3723**

A handwritten signature in black ink, appearing to read 'Todd Ingberg', with a long, sweeping horizontal line extending to the right.

**Todd Ingberg**  
Primary Examiner  
Art Unit 2124  
August 20, 2004